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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,555	10/18/2001	Masayuki Chatani	100809-16033(SCED 17.587)	7747
26304	7590	11/18/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			BONSHOCK, DENNIS G	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,555

Applicant(s)

CHATANI ET AL.

Examiner

Dennis G. Bonshock

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5-5-04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Final Rejection

Response to Amendment

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment as received on 06-30-04.

Claims 1-22 have been examined.

Status of Claims:

2. Claims 1-8 and 11-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis, Patent #6,018,345, hereinafter Berstis345 and Berstis, Patent #5,920,304, hereinafter Berstis304.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis345, Berstis304, and Andrew et al., Patent #6,633,310, hereinafter Andrew.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis345, Berstis304, Andrew, and Bonura et al., Patent #6,670,970, hereinafter Bonura.

Information Disclosure Statement

5. The information disclosure statement filed 5-5-04 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the first US patent document listed has a 9 digit patent number. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes

Art Unit: 2173

of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8 and 11-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis, Patent #6,018,345, hereinafter Berstis345 and Berstis, Patent #5,920,304, hereinafter Berstis304.

8. With regard to claim 1, which teaches a data processing system for connection to a network comprising: a data processing unit (see Berstis345 column 2, line 15 and figure 2), a display (see Berstis345 column 1, line 58), a controller (see Berstis345 column 2, lines 55-59), and a display capable of displaying a website downloaded from the network (see Berstis345 column 1, lines 51-59). With regard to claim 1, further teaching including at least one positionally selectable hyperlink contained on the website display, Berstis345 teaches, in column 1, line 51 through column 2, line 3, a cursor that can be presented in a different manner so as to allow selection for an input device. With regard to claim 1, further teaching a storage medium for storing a respective guidance picture associated with each hyperlink, where the guidance picture

Art Unit: 2173

contains pointer controls for controlling the position of a pointer movable over the display, Berstis345 teaches, in figure 2, in column 3, lines 51-67, and column 6, lines 10-45, a guidance picture which is overlaid on a internet web page containing links, wherein when positioned over a link providing the display with a selection means from the controller. With regard to claim 1, further teaching the controller containing keys for key entry selection, Berstis345 further teaches, in column 6, lines 10-16, the pointer icon closely resembling the actual buttons on the remote. Berstis345, however, doesn't specifically teach a plurality of options identified by icons arranged around a hyperlink. Berstis304 teaches a teaches a system in which a cursor changes appearance as scrolled over a link (see column 6, lines 35-54), similar to that of Berstis345, but further teaches the cursors ability to display a plurality of items activate able by the remote (see column 6, line 55 through column 7, line 6). It would have been obvious to one of ordinary skill in the art, having the teachings of Berstis345 and Berstis304 before him at the time the invention was made to modify the cursor display system of Berstis345 to include the multiple selectable icons around a link, as did Berstis304. One would have been motivated to make such a combination because this would allow the user more insight to which items are preferably selectable when over a particular link.

9. With regard to claims 2 and 12, which teach the keys being identified with an associated icon, and wherein the key selectable options are each displayed with a corresponding one of said icons related to the icon on the remote, Berstis345 teaches, in column 3, lines 51-67, and column 6, lines 4-45 and in

Art Unit: 2173

figure 1D, there being keys on the remote to select the corresponding options shown with the symbol on the display.

10. With regard to claim 3, which teaches the data processing unit terminating the display of the associated guidance picture when the pointer no longer addresses the hyperlink, whereby the guidance pictures appear and disappear as the pointer moves along the screen over hyperlinks, Berstis345 teaches, in column 6, lines 29-45, the pointer being displayed in normal form when not over a link and in expanded form when located over a link.

11. With regard to claim 4, which teaches at least some of the options being hyperlinks, Berstis345 teaches, in column 1, lines 54 through column 2, line 3, the buttons being connected with links to web pages.

12. With regard to claim 5, which teaches at least one of the options being the generation of a new guidance diagram with further options associated with the identified hyperlink, Berstis345 further teaches, in column 1, line 65 through column 2, line 3, and column 4, lines 50-67, the existence of buttons that link to other pages where the other pages can contain a further set of links (ex: Messages, Home).

13. With regard to claim 6, which teaches guidance diagrams appearing quadrilaterally about the hyperlink, Berstis345 teaches, in column 3, lines 51-67, and column 6, lines 4-45 and figure 1D, there being keys on the remote to select the corresponding options shown with the symbol on the display, should these keys show up on the screen as shown on the remote as stated, Menu, Go, (home) and Back, they would form a quadrilateral.

Art Unit: 2173

14. With regard to claim 7, which teaches the hyperlinks including banner advertisements, Berstis345 further teaches, in column 1, lines 65 through column 2, line 3, the system being implemented on the internet where it is known that many web sites contain banner ads that have hyperlinks to an associated site.

15. With regard to claim 8, which teaches the options comprising: hyperlinks to another website (Berstis345 teaches this limitation in column 1, line 59), hyperlinks to download information from another website (Berstis345 teaches this limitation in column 5, lines 5-10), and email (Berstis345 teaches this limitation in column 3, line 66).

16. With regard to claim 11, which teaches a method of providing an on-screen guidance diagram comprising: including at least one positionably selectable hyperlink contained on the website display, Berstis345 teaches, in column 1, line 51 through column 2, line 3, a cursor that can be presented in a different manner so as to allow selection from an input device. With regard to claim 11, further teaching a storage medium for storing a respective guidance picture associated with each hyperlink, where the guidance picture contains pointer controls for controlling the position of a pointer movable over the display, Berstis345 teaches, in figure 2, in column 3, lines 51-67, and column 6, lines 10-45, a guidance picture which is overlaid on an internet web page containing links, wherein when positioned over a link providing the display with a selection means from the controller. With regard to claim 11, further teaching the guidance pictures appear and disappear as the pointer moves along the screen over hyperlinks, Berstis345 teaches, in column 6, lines 29-45, the pointer being

Art Unit: 2173

displayed in normal form when not over a link and in expanded form when located over a link. Berstis345, however, doesn't specifically teach a plurality of options identified by icons arranged around a hyperlink. Berstis304 teaches a system in which a cursor changes appearance as scrolled over a link (see column 6, lines 35-54), similar to that of Berstis345, but further teaches the cursor's ability to display a plurality of items activatable by the remote (see column 6, line 55 through column 7, line 6). It would have been obvious to one of ordinary skill in the art, having the teachings of Berstis345 and Berstis304 before him at the time the invention was made to modify the cursor display system of Berstis345 to include the multiple selectable icons around a link, as did Berstis304. One would have been motivated to make such a combination because this would allow the user more insight to which items are preferably selectable when over a particular link.

17. With regard to claim 13, which teaches downloading to a data processing unit the guidance diagram simultaneously with the server page information, Berstis345 teaches, in column 5, lines 5-25, the computer downloading the guidance information from a remote computer (by means of the same internet the web site comes from) for remote updating.

18. With regard to claim 14, which teaches the controller containing keys for key entry selection, Berstis345 further teaches, in column 3, lines 51-67 and column 6, lines 4-28, the pointer icon closely resembling the actual buttons on the remote which are displayed in the guidance diagram, and selectable by the remote.

Art Unit: 2173

19. With regard to claim 15, which teaches the icons being standardized for standard option in all of the guidance diagrams, Berstis345 teaches, in column 6, lines 10-27, the use of the "GO" key which would be a standard selection over all diagrams and given the same remote is being used throughout.

20. With regard to claim 16, which teaches providing options associated with a hyperlink, Berstis345 teaches, in column 3, lines 51-67 and column 6, lines 10-45, a guidance picture which is overlaid on a internet web page containing links, wherein when positioned over a link providing the display with a selection means from the controller. With regard to claim 16, further teaching selecting on of the options through a controller, Berstis345 teaches, in column 1, line 51 through column 2, line 3, selection of a button on a controller corresponding to a diagram on the display causes traversal of the selected second page.

21. With regard to claim 17, which teaches the buttons of the data processing unit being user defined, Berstis345 teaches, in column 6, lines 10-15, a plurality of buttons (words/characters) that can be displayed instead of the word "Go".

22. With regard to claim 18, which teaches the guidance diagram overlaying the hyperlink on the web page, Berstis345 teaches, in figure 2, in column 3, lines 51-67, and column 6, lines 10-45, a guidance picture which is overlaid on a internet web page containing links, wherein when positioned over a link providing the display with a selection means from the controller.

23. With regard to claim 19, which teaches options downloaded from the server together with the information associated with the hyperlink, Berstis345 teaches, in column 6, lines 29-45 and column 5, lines 5-25, the computer

Art Unit: 2173

downloading the guidance information from a remote computer (by means of the same internet the web site comes from) for remote updating.

24. With regard to claim 20, which teaches a table in memory associated with the hyperlink, wherein when a hyperlink is addressed the table is accessed to and the options are displayed, Berstis345 teaches, in column 6, lines 29-45 and column 5, lines 5-25, the computer downloading the guidance information from a remote computer and storing it in memory until the specific case comes up, then providing guidance information.

25. With regard to claim 21, which teaches providing a table stored in memory of a host server and associated with the hyperlink, wherein when a hyperlink is addressed the table is accessed to and the options are displayed. Berstis345 teaches, in column 6, lines 29-45 and column 5, lines 5-25, the computer downloading the guidance information from a remote computer when a specific case comes up, then providing guidance information.

26. With regard to claim 22, which teaches a contents server comprising: a data processing unit (see column 2, line 15 and figure 2), a display (see column 1, line 58), a controller (see column 2, lines 55-59), and a display capable of displaying a website downloaded from the network (see column 1, lines 51-59).

With regard to claim 1, further teaching including at least one positionably selectable hyperlink contained on the website display, Berstis345 teaches, in column 1, line 51 through column 2, line 3, a cursor that can be presented in a different manner so as to allow selection from an input device. With regard to claim 1, further teaching a storage medium for storing a respective guidance

Art Unit: 2173

picture associated with each hyperlink, where the guidance picture contains pointer controls for controlling the position of a pointer movable over the display, Berstis345 teaches, in figure 2, in column 3, lines 51-67, and column 6, lines 10-45, a guidance picture which is overlaid on a internet web page containing links, wherein when positioned over a link providing the display with a selection means from the controller. With regard to claim 1, further teaching the controller containing keys for key entry selection, Berstis345 further teaches, in column 6, lines 10-16, which teaches the pointer icon closely resembling the actual buttons on the remote. With regard to claim 22, further teaching providing a table of options stored in memory of a host server and associated with the hyperlink, wherein the processor communicates with the server, Berstis345 teaches, in column 6, lines 29-45 and column 5, lines 5-25, the computer downloading the guidance information from a remote computer when a specific case comes up, then providing guidance information. Berstis345, however, doesn't specifically teach a plurality of options identified by icons arranged around a hyperlink. Berstis304 teaches a teaches a system in which a cursor changes appearance as scrolled over a link (see column 6, lines 35-54), similar to that of Berstis345, but further teaches the cursors ability to display a plurality of items activate able by the remote (see column 6, line 55 through column 7, line 6). It would have been obvious to one of ordinary skill in the art, having the teachings of Berstis345 and Berstis304 before him at the time the invention was made to modify the cursor display system of Berstis345 to include the multiple selectable icons around a link, as did Berstis304. One would have been motivated to make such

Art Unit: 2173

a combination because this would allow the user more insight to which items are preferably selectable when over a particular link.

27. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis345, Berstis304, and Andrew et al., Patent #6,633,310, hereinafter Andrew.

28. With regard to claim 9, which teaches a predetermined duration of time during which the pointer must be positioned on a hyperlink before the guidance diagram is generated, Berstis345 teaches the system for displaying an on screen representation of a controller associated with a hyperlink upon positioning a cursor over the hyperlink, as rejected supra, but fails to teach a predetermined time for which the pointer must be positioned over the link to become visible.

Andrew teaches a system in which windows can be displayed in both a translucent and a opaque state similar to that of Berstis345, but further teaches, in column 1, line 60 through column 2, line 8, a predetermined time that the cursor must be positioned over a object before it becomes visible. It would have been obvious to one of ordinary skill in the art, having the teachings of Berstis345 and Andrew before him at the time the invention was made to modify the system of Berstis345 to include the predetermined amount of time to provide the display, as did Andrew. One would have been motivated to make such a combination because this prevents an unwanted display of navigation data being displayed due to a repositioning of the cursor.

Art Unit: 2173

29. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis345, Berstis304, Andrew, and Bonura et al., Patent #6,670,970, hereinafter Bonura.

30. With regard to claim 10, which teaches the predetermined duration of time being a system setting that may be adjusted by the user, Berstis345 and Andrew teach the system for displaying an on screen representation of a controller associated with a hyperlink upon positioning a cursor over the hyperlink for a predetermined amount of time, as rejected supra, but fails to teach the predetermined time being a user settable system setting. Bonura teaches a system in which windows can be displayed in both a translucent and an opaque state similar to that of Berstis345, but further teaches, in column 3, lines 40-65, the predetermined display delay time being a user definable system setting. It would have been obvious to one of ordinary skill in the art, having the teachings of Berstis345, Andrew, and Bonura before him at the time the invention was made to modify the system of Berstis345 and Andrew to include the user definable predetermined amount of time to provide the display, as did Bonura. One would have been motivated to make such a combination because this prevents an unwanted display of navigation data being displayed due to a repositioning of the cursor, in systems, which have different amounts of reliance on links to other pages.

Response to Arguments

31. The arguments filed on 06-30-04 have been fully considered but they are not persuasive. Reasons set forth below.

Art Unit: 2173

32. Applicant's arguments with respect to claims 1, 11, and 22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

34. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.


36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The

Art Unit: 2173

fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

37. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11-12-04
dgb



RAYMOND J. BAYERL
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ART UNIT 2173